

AMENDED IN SENATE APRIL 8, 2013

**SENATE BILL**

**No. 362**

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**Introduced by Senator Padilla**

February 20, 2013

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An act to add Section 19006 to; the Elections Code, relating to voting.

LEGISLATIVE COUNSEL'S DIGEST

SB 362, as amended, Padilla. Voting procedures: natural disasters.

Existing law designates the Secretary of State as the chief elections officer of the state and requires him or her to study and adopt regulations governing the use of voting machines, voting devices, vote tabulating devices, and ballot marking systems. Existing law also establishes procedures for the marking and counting of ballots in the case of electrical failure or other emergency.

This bill would make legislative findings relating to natural disasters *outside California* and their effect on a state resident's ability to vote. ~~The bill would require the Governor and the Secretary of State to establish voting procedures and guidelines for voters affected by natural disasters.~~ *The bill would, upon the declaration of an out-of-state emergency by the Governor and the issuance of an executive order authorizing an emergency worker, as defined, to cast a ballot outside of his or her home precinct, require a county elections official to issue an emergency worker a vote by mail ballot upon that worker's request. By imposing a new duty on local officials, the bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
 2 following:

3 (a) Natural disasters ~~within~~ *outside* California, ~~the United States,~~  
 4 ~~or other parts of the world~~ can affect a state resident’s ability to  
 5 vote. Earthquakes, hurricanes, and other disasters can destroy or  
 6 damage election infrastructure, including the electrical and  
 7 telecommunications grid and polling places, disrupt the delivery  
 8 of vote by mail ballots by the United States Postal Service, and  
 9 displace election officials and interrupt their duties.

10 (b) California residents volunteer to help victims of natural  
 11 disasters, including their family members. California voters, such  
 12 as firefighters, police officers, National Guardsmen, utility workers,  
 13 and average citizens travel to areas affected by disasters for  
 14 extended periods of time to help with recovery efforts that can  
 15 include other states and countries. Disasters and volunteer efforts  
 16 can occur close to an election and affect a volunteer’s ability to  
 17 vote.

18 (c) Currently, neither the Governor, the Secretary of State, nor  
 19 county elections ~~official~~ *officials* have the authority to establish  
 20 procedures and guidelines to specifically allow residents affected  
 21 by ~~a~~ *an out-of-state* disaster to vote.

22 SEC. 2. Section 19006 is added to the Elections Code, to read:

23 19006. (a) For purposes of this section, “emergency worker”  
 24 means a person who is officially engaged in responding to the  
 25 proclamation of an out-of-state emergency and whose vocation  
 26 has been identified in an executive order relating to the state of  
 27 emergency.

28 (b) Upon the declaration of an out-of-state emergency by the  
 29 Governor and the issuance of an executive order authorizing an  
 30 emergency worker to cast a ballot outside of his or her home  
 31 precinct, a county elections official shall, upon request, issue a

1 *vote by mail ballot to an emergency worker using a process to be*  
2 *determined by that elections official.*

3 *(c) In order to be counted, a vote by mail ballot cast pursuant*  
4 *to this section shall be received by the elections official no later*  
5 *than three days after election day and postmarked on or before*  
6 *election day or time-stamped or date-stamped by a private mail*  
7 *delivery company on or before election day.*

8 *(d) Upon receipt of the returned ballot, the elections official*  
9 *shall process the ballot pursuant to the procedures in Section 3019.*

10 *(e) A vote by mail ballot may be sent to the emergency worker*  
11 *via electronic mail or facsimile.*

12 ~~SEC. 2.—Section 19006 is added to the Elections Code, to read:~~  
13 ~~19006.—The Governor and the Secretary of State shall establish~~  
14 ~~voting procedures and guidelines for voters affected by natural~~  
15 ~~disasters.~~

16 *SEC. 3. If the Commission on State Mandates determines that*  
17 *this act contains costs mandated by the state, reimbursement to*  
18 *local agencies and school districts for those costs shall be made*  
19 *pursuant to Part 7 (commencing with Section 17500) of Division*  
20 *4 of Title 2 of the Government Code.*